

From: Jeremy Lunn
To: Microsoft ATR
Date: 1/24/02 8:27am
Subject: Microsoft Settlement

I am not sure if the Tunney Act applies to non-US citizens so if it does I apologise for wasting your time. This issue concerns me because Microsoft holds a global monopoly which is just as bad here in Australia as other parts of world. No monopoly could be worse than Microsoft.

Using APIs, File Formats and Networking Protocols Microsoft is effectively locking any potential competitors out of the Market. The only real solution that I can see to stop this is to break the company up into different parts. If I had my way then they would be broken up into three parts. Operating Systems, Applications and Internet Services (MSN, Hotmail etc).

Consumers need a choice in which operating system and applications they can use. They shouldn't be locked into using particular software because it's the only way they can communicate with others.

My main concern with the proposed Settlement is that it explicitly denies access to individuals, not-for-profit organisations and government organisations for API, Documentation and Communications Protocols. This information should be available to the public at no charge. Preferably on the web.

The following examples have been quoted from:
<http://www.pbs.org/cringely/pulpit/pulpit20011206.html>

'Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: "... (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ..." '

'Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft "middleware." In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.'

This conditions mentioned would limit the ability of open source projects such as WINE and Samba to take off. Open source is the best way to give users choice.

Thank you for your time,

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